

SENATE MOTION

MADAM PRESIDENT:

I move that Senate Bill 212 be amended to read as follows:

1 Page 1, between the enacting clause and line 1, begin a new
2 paragraph and insert:
3 "SECTION 1. IC 22-2-5-0.8 IS ADDED TO THE INDIANA
4 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
5 [EFFECTIVE JULY 1, 2008]: **Sec. 0.8. As used in this chapter,**
6 **"Internal Revenue Code" has the meaning set forth in IC 6-3-1-11.**
7 SECTION 2. IC 22-2-5-1, AS AMENDED BY P.L.51-2007,
8 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2008]: Sec. 1. (a) Every person, firm, corporation, limited
10 liability company, or association, their trustees, lessees, or receivers
11 appointed by any court, doing business in Indiana (**collectively, the**
12 **"employer"**) shall pay each employee at least semimonthly or
13 biweekly, if requested, the amount due the employee. **In addition, an**
14 **employer and an employee may agree to any other pay period,**
15 **including an agreement to defer compensation that satisfies the**
16 **requirements of Section 409A of the Internal Revenue Code.** The
17 payment shall be made in lawful money of the United States, by
18 negotiable check, draft, or money order, or by electronic transfer to the
19 financial institution designated by the employee. ~~Any contract in~~
20 ~~violation of this subsection is void.~~
21 (b) Payment shall be made for all wages earned ~~to in a date pay~~
22 ~~period~~ not more than ten (10) business days ~~prior to the date of~~
23 ~~payment. However, this subsection does not prevent payments being~~
24 ~~made at shorter intervals than specified in this subsection; nor repeat~~
25 ~~any law providing for payments at shorter intervals. following the~~
26 ~~close of the pay period, unless an employer and an employee agree~~
27 ~~to a different payment date, including an agreement to defer~~
28 ~~compensation that satisfies the requirements of Section 409A of the~~
29 ~~Internal Revenue Code.~~ However, if an employee voluntarily leaves
30 employment, either permanently or temporarily, the employer shall not
31 be required to pay the employee an amount due the employee until the
32 next usual and regular day for payment of wages, as established by the

1 employer. If an employee leaves employment voluntarily, and without
2 the employee's whereabouts or address being known to the employer,
3 the employer is not subject to section 2 of this chapter until:
4 (1) ten (10) business days have elapsed after the employee has
5 made a demand for the wages due the employee; or
6 (2) the employee has furnished the employer with the employee's
7 address where the wages may be sent or forwarded."
8 Renumber all SECTIONS consecutively.
(Reference is to SB 212 as printed January 25, 2008.)

Senator BRAY